REMARKS

In this paper, claim 70 is currently amended. After entry of the above amendment, claims 1-41, 43, 47, 49-58, 70, 72-78 and 80-94 are pending, and claims 42, 44-46, 48, 59-69, 71 and 79 are canceled.

The applicant appreciates the allowance of claims 41, 43, 47, 49-58 and 94.

Claims 1-40 were rejected under 35 U.S.C. §102(b) as being anticipated by Ose (US 5,768,945). This basis for rejection is respectfully traversed.

Ose discloses a bicycle shift control device (A) comprising a support bracket (11) adapted to mount the shift control device to a bicycle handlebar (H). A first lever (4) moves in a first plane from a rest position (N1), and a second lever (10) moves in a second plane from a rest position (N2). A winder (3) with an attached positioning member (16) are rotatably mounted to support bracket (1) so that winder (3) and positioning member (16) rotate together to a plurality of positions corresponding to gear positions of the bicycle. A positioning pawl (8) selectively engages teeth (16a) on positioning member (16) to maintain positioning member (16) and winder (3) in each of the plurality of positions.

The office action states that first lever (4) is operatively coupled to the positioning unit (interpreted to be winder (3)) so that first lever (4) is maintained in a plurality of positions corresponding to gear positions of the bicycle transmission in addition to beginning and end positions of a range of motion of first lever (4). That is not true. As stated at col. 3:34 - col. 4:22, in order to change gears, the user moves first lever (4) away from the rest position (N1), thereby causing a feed pawl (6) attached to first lever (4) to move off of a ledge (22) and engage one of the plurality of teeth (16a) on positioning member (16) so that winder (3) rotates together with first lever (4). When first lever (4) and winder (3) reach a predetermined angle, positioning pawl (8) engages another positioning tooth (16a) on positioning member (16), thereby maintaining winder (3) and positioning member (16) in a target gear position. However, first lever (4) does not stay at that new position. As stated at col. 4:12-17, when the rider releases the operating force from first lever (4), the

initial position (N1) of first lever (4) is automatically restored by the energizing action of a return spring (21).

Thus, when shifting gears, first lever (4) is pushed by the rider away from rest position (N1) until the new gear is obtained, and then the rider removes the operating force from first lever (4) so that first lever (4) is automatically returned to the rest position (N1) by return spring (21). The motion of first lever (4) from the time it leaves the rest position (N1) until it returns to the rest position (N1) is continuous and uninterrupted. First lever (4) is maintained only in the position (N1) corresponding to the beginning position of the range of motion of first lever (4). At no time is first lever (4) maintained in a position corresponding to gear positions of the bicycle transmission *in addition* to beginning and end positions of a range of motion of first lever (4) as required by independent claims 1, 15 and 28. Ose neither discloses nor suggests the subject matter recited in independent claims 1, 15 and 28.

Claims 70, 72-78 and 80-93 were rejected under 35 U.S.C. §102(b) as being anticipated by Wu (US 5,355,745). This basis for rejection is respectfully traversed.

Wu discloses a bicycle speed change controller comprising a casing (20) adapted to mount the speed change controller to a bicycle. A cable winch (32) with an attached sector ratchet wheel (33) are rotatably mounted to casing (20) so that cable winch (32) and sector ratchet wheel (33) rotate together to a plurality of positions corresponding to gear positions of the bicycle. A pawl (44) formed on an upper stop plate (40) engages sector ratchet wheel (33) to maintain sector ratchet wheel (33) and cable winch (32) in a plurality of positions. Upper stop plate (40) was interpreted by the office action to be a positioning member. As such, positioning member (40) rotates counterclockwise from the engagement position shown in Fig. 5-1 to the disengagement position shown in Fig. 5-2 and then rotates clockwise from the disengagement position shown in Fig. 5-2 to the engagement position shown in Fig. 5-3.

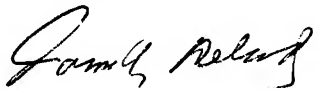
The office action refers to the movement of positioning member (40) from the position shown in Fig. 5-1 to the position shown in Fig. 5-2 as movement of positioning member (40) along a first path. The office action also refers to the movement of positioning member (40) from the

position shown in Fig. 5-1 to the position shown in Fig. 5-2 as movement of positioning member (40) along a second path. However, claim 70 requires the second path to be different from the first path, but the office action refers to the same movement of positioning member (40) for both paths. Thus, Wu neither discloses nor suggests the subject matter recited in claim 70.

In any event, claim 70 has been amended to clarify that movement of the positioning member along the second path includes movement of the positioning member other than rotation of the positioning member. Wu neither discloses nor suggests this feature as well. Wu's positioning member (40) only rotates when it moves from the engagement position shown in Fig. 5-1 to the disengagement position shown in Fig. 5-2, and positioning member (40) only rotates when it moves from the disengagement position shown in Fig. 5-2 to the engagement position shown in Fig. 5-3.

Accordingly, it is believed that the rejections under 35 U.S.C. §102 have been overcome by the foregoing amendment and remarks, and it is submitted that the claims are in condition for allowance. Reconsideration of this application as amended is respectfully requested. Allowance of all claims is earnestly solicited.

Respectfully submitted,



James A. Deland
Reg. No. 31,242

DELAND LAW OFFICE
P.O. Box 69
Klamath River, California 96050
(530) 465-2430